

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT LINZY BELLON,

Case No. 3:19-cv-00118-RCJ-WGC

Petitioner,

v.

WARDEN BRIAN WILLIAMS, et al.,

ORDER

Respondents.

This action is a *pro se* petition for a writ of habeas corpus, under 28 U.S.C. § 2241, by Robert Linzy Bellon, a Nevada prisoner. Bellon claims the Nevada Department of Corrections has miscalculated his parole eligibility date in a manner that violates his federal constitutional rights. Bellon filed his petition, and paid the filing fee for the action, on February 28, 2019 (ECF No. 1). On March 1, 2019, the Court screened the petition, ordered it served on the respondents, and set deadlines for the respondents to appear and respond to the petition. See Order entered March 1, 2019 (ECF No. 3).

On March 8, 2019, Bellon filed a motion (ECF No. 4) requesting a file-stamped copy of his petition. Good cause appearing, the Court will grant that motion.

On March 13, 2019, Bellon filed an application to proceed *in forma pauperis* (ECF No. 6). The Court will deny that application as moot, as Bellon has paid the filing fee (it appears, based on the information in the application, that Bellon does not qualify for *in forma pauperis* status at any rate).

On March 13, 2019, Bellon also filed a motion for appointment of counsel (ECF No. 7). Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed

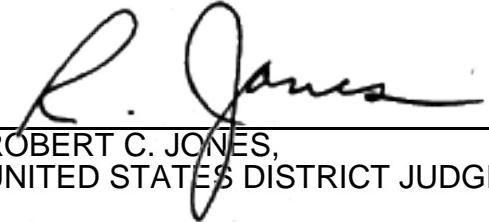
1 counsel is necessary to prevent due process violations." *Chaney v. Lewis*, 801 F.2d 1191,
2 1196 (9th Cir. 1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir. 1970) (per
3 curiam). The court may, however, appoint counsel at any stage of the proceedings "if the
4 interests of justice so require." See 18 U.S.C. § 3006A; see also Rule 8(c), Rules
5 Governing § 2254 Cases; *Chaney*, 801 F.2d at 1196. In view of Bellon's filings in this
6 case, the Court is of the view, at this time, that appointment of counsel is unwarranted.
7 The Court will deny this motion

8 **IT IS THEREFORE ORDERED** that Petitioner's motion for a copy of his petition
9 (ECF No. 4) is **GRANTED**. The Clerk of the Court is directed to send the petitioner a
10 copy of his petition (ECF No. 1).

11 **IT IS FURTHER ORDERED** that Petitioner's application to proceed *in forma*
12 *pauperis* (ECF No. 6) is **DENIED**.

13 **IT IS FURTHER ORDERED** that Petitioner's motion for appointment of counsel
14 (ECF No. 7) is **DENIED**.

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16 DATED THIS **16th day of April, 2019.**

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20 ROBERT C. JONES,
21 UNITED STATES DISTRICT JUDGE
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